P.F. 53-98

G. R. S. 58]

Previous references.

1893-94

File No. 34-93.

1891

(L. R.)

Serial Nos. 1-13

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-13

Part B for June 1899.

SUBJECT.

Dispute regarding part of T. no 11 of Tyarakudi Chemnad Taluk.

W D 1351—GPE—20,000—12-12-15

(2)

Extract Book, (Forest)

Furnish Petitioner twelve Years' extracts from Pahanis & Kharabani-gyanis and copy of the Survey settlement. Also extracts of Mr Peter's Dyavarahalli, private Channapatna taluk.

Office-note

Petitions No 984 of 1893-94
" 2370
A.S. No 44 of 93-94.

Petitioners - 1 Kenda Heggade
2 Basavanya

Counter-petitioners - Thimme Gowda & others of Somenhalli in Channapatna taluk.

2. The same period

Mad
3.7.95

Call for Kaul
Kaul
4-7-95

Petitioners appealed to the Dy Commr, Bangalore Dt against the order of the Supt Revenue Survey, treating maji No 27 (now part of S. No 11 and measuring 10 acres + 30 guntas) in Dyavarahally as 'Kharab' during the late survey settlement.

2. The Dy Commr without entering into the merits of the case, dismissed the case as beyond his

jurisdiction. The present appeal to Govt is thus against the order the Supt Rev. Survey.

A Copy of this order is enclosed with the Supt's reply to Govt of 16th January 1894, when the petition was sent to him for report

3. The Supt reported.

1° That the villagers at the time of settlement strenuously opposed any attempt to bring the land under survey assessment

2° That from the pattas produced by the petitioners it appeared that they held the land on 'Amrayi Tenure'

3° That as a Phatra was held there annually, existing rights would have been interfered with by bringing land under survey assessment.

4° That therefore be decided that the 'Mamul' should be Continued.

4) A petition of 6th February 1894 was presented by the Counter-petitioners, urging Govt not to register the land under dispute in the name of the petitioners on the same ground as 3° mentioned in para 3 above

5. The petition, the Counter-petition and the Supt's report were sent to the Dy Commr for submitting a finding as to, by whom, for how long, and on what tenure the tope or land under it has been held, and what its area was.

The Dy Commr called upon the Sub Dn officer to report accordingly.

17th February 1894

The Diwan of Jhalawar reports 28/4/95 (No 760)

1° That the area according to old account was 15-3/4 Acres. which the area contained in Kharach by Survey is* 19 Acres 38 cents

2° That the land has been held by the appellants and their ancestors - who are the Pujaris of the temple to which the tope is attached - on payment of an 'Amraji Kharaj' of 4 Pagodas

3° That from the year 1875 the amount - 4 pagodas - was entered as land-tax evidently without any authority and that such an alteration in tenure without authority could not affect previously existing facts

* The survey report has been brought. The whole land is under Kharach

Reference to Decree of the Chattah account of 1835 & 1859

(b)

1 on record

4° That there was nothing to show that the ancestors of the appellants planted the tope originally

5° That as Pugaru, appellants may be allowed to enjoy the usufruct of the tope on the old assessment without detriment to the rights of the caste people before the Survey Settlement [i.e ~~reboot~~ continue the mamool as the Supt suggests]

6° The Dy Comnr submitted the above report by the Dn Offr on the 8th May 1895.

Submitted for orders of the 2nd Councillor

VRT. 25/6/95

(no 760)

The extracts called for
have been received
The extracts from the pattas
& the Khatevan patrika &
the pahanis do not refer
& the amrayat lemma but
the extracts for the years
1891-92 & 1892-93 from
the Khalsa Jakhla do
refer to the lemma
There appears to be between
301 & 400 trees on the
ab map no 27 (which has
become a portion of S.No 11)

= The delay of 3 years in
the Sub[n] of these extracts
was noticed by the D.C[r],
Asst. Comr & Assistant but
the what-notice was first
taken of the delay of the
Record-Keeper is not clear
= The claim in this case appears
to be a "claim respecting the
occupation of waste or vacant land

(attached here
the Patil thumb
been dy in
7 yrs. Asst and
remarks that
refers remarks
unintelligible)

Gulam

Asst Comr Thana

Re - What has been done by the Pet[rs] Board &
get the report earlier from the D Comm[r] ✓

(1) Unanswered reference lists are prepared quarterly: This was done under the Secretary's Order of 1st of Feb[y] or Jan[y] of 1894 & that such lists were directed & be made monthly Ever this has not been carried out for reasons which will be explained separately

(2) The reference of 1895 has been included in all the unanswered lists & extracts from which have been sent to D Comm[r]. Besides these a Special Return was issued on 16/9/95 (Please see B file) the 28/9/95 ✓

9

Before the Government of Mysore.

Appeal No. 44 of 1893-94

Appellants Vs. Respondents ~~Respondent.~~

(1) Kenda Heggade of Hosurdoddi
(2) Basavaiya of Nyavarahalli
Channapatna Taluk

Timme Gauda & others

3 . 10 . 98.

Adjd to 10th October.

10/10/98

Appellants have applied for adjournment

Adjd to 5th Dec^r

10/10/98

Seen.
Vak. notice on front 7s.

28/11/98

Before the Government of Mysore.

Appeal No. 44 of 1893-94.

Appellants Vs. ~~Respondent.~~

(1) Kunda Heggade residing at Kowdadi

(2) Bavanna residing at Dyavanahalli

Channapatna Taluk.

Subject:— dispute regarding part of No. 11 of Dyavanahalli Channapatna Taluk.

Sec^n 118 of the L R Code

Posted to the 3rd Ch^r

Sub D^r 1st Comm^r

9939

28/9/95

applⁿ for adjournment

sec^y

3/11/95

Mud 1.11.95

13/2/89

Paris 2ème arrondissement

Application pour autorisation de
Réfection de mur

In Govt order No. 5649 P.J. 53-98 dt 17-2-99 the Dy Commr was asked to enquire and report whether the Appellants are prepared to conform to the conditions laid down in Govt order No. 6263-70 Pet 849 dt 14/1/98.

In reply the Dy Commr in forwarding the statement of the Appellants given before the Amildar of Channapatna states that they are prepared to conform to the conditions in the above said Govt order and that they as the top does not contain valuable trees the proceeds of the sale of grass growing in the tope may be allowed to be utilized towards payment of the kandayam.

The statement of the Appellants before the Amildar is as follows:-

"As regards our appeal regarding Biredivar tope of Dyavarahalli, we heard the District order dated 11/3/99

(13)

dated 11/3/99, No. 357, issued in accordance with the order, read to us.

"Rajé No. 27, which is Biredevar tope, was numbered 11 at the survey and measures $\frac{A}{40} - \frac{G.}{33}$. We have consented to retain the hak of this tope in our name, pay the kandayem that may be fixed upon it every year and not to use the produce of the tope for private purposes but use the same for improving the tope. Further we have no objection to allow the cattle and people stand here at the time of Jatra (Yol). At other times ~~only~~ cattle cannot be allowed to enter the tope. For by the amount realized by the sale of the grass growing in the tope and the produce of the trees standing therein the Govt. kandayem and the wages of the ~~head~~ servant employed for watching the tope were hitherto being ~~became~~ met with.

The same has to be continued in future also. If cattle are allowed to enter the topes the small plants planted therein will be destroyed and the realization by the sale of grass will fall. Consequently there will be much difficulty to pay the govt kandayam and the wages of the watchman employed to look after the topes.

Before the survey we were paying a kandayam of Rs 30 odd to the topes. At the survey a kandayam of Rs 30 odd has been fixed. As this is very high the rate must be lowered. If this cannot be done we are willing to pay the kandayam fixed at the survey."

Bbn
13/5/77.

(General Serial No. 32)

1893. A.S. 44/93-94

No. 984

Name of Petitioner Kenda Heggade & Basavaraj by their B. V. Ramaswamy Chetty Vakil

Village Hossur Doddi & Dyavarahalli

Taluk. Chennapatna

District. Bangalore

Date of Arzi. 6-10-93

Date of Receipt. 7-10-93

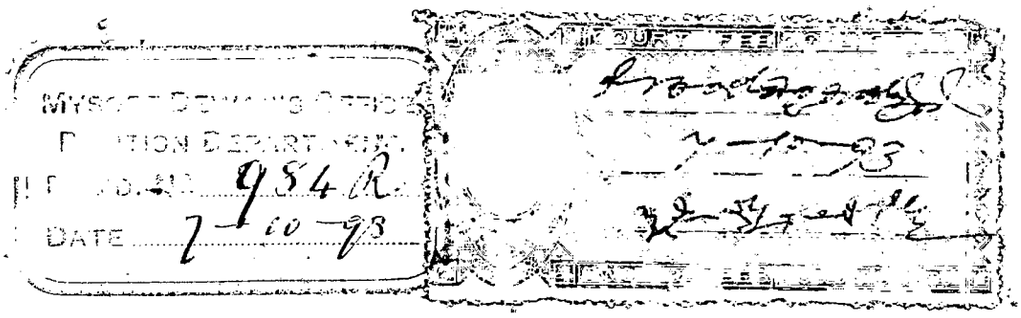
Date of Disposal.

No. of Enclosures. Nil.

L.R. 94-93-1

ABSTRACT.

State that they are the owners of a land bearing (inaji) no: 2 in the said Dyavarahalli village, that the title of the said land standing in their name & they & their ancestors were in the enjoyment of it for upwards of one hundred years that long ago their ancestors planted a tope in the said land, built a temple & constructed therein a pond, that they have also been paying assessment on the said land



Received on the Camabramdiety's Guards to.

Peter Pay
Dist
7/10/93

Seen A.S. Siraul
Dist

The Dewan to His Highness the Maharaja of Mysore

A.S. No 44

Revenue Petition No 30 of 1893.

Petitioners.

1. Kenda Heggade
son of Kenda Heggade
residing in Hosur Doddi,
Channapatna Taluk.

2. Basavaiah
Son of Appia Heggade
residing in Dyavarahalli
Channapatna Taluq.

The petitioners above named most respectfully beg to state as follows:—

1. That the petitioners are the owners of a land bearing old (Huge) No 2 in the Village of Dyavarahalli, Mandigere Hobli Channapatna Taluq.

2.

2. That the patta of the said land stands in the names of the petitioners and before them it stood in the names of their ancestors for upwards of one hundred years.

3. That the said land has also been in the enjoyment of the petitioners and their ancestors during the same period.

4. That long ago the ancestors of the petitioners planted a tope in the said land, built a temple (Beerá dávaru) and constructed therein a pond and a well.

5. That the said land, temple, pond and well have thus been the private properties of the petitioners and their ancestors from time immemorial. They have also been paying assessment for the land as may be seen from several pattahs herewith produced. They have also borne boundary expenses.

That in spite of these facts the Survey officer Col. Grant acting on the recommendation of the Amildar has in the late Survey entered the said land with the tope, temple, well etc. as Karab and thus by

one

one stroke has deprived the petitioners of their long enjoyed private properties.

The petitioners appealed to the Deputy Commissioner of Bangalore, but the latter refused to interfere on the ground that he has no jurisdiction in the matter.

The petitioners most humbly and respectfully pray that their case may be enquired into and that in reversal of the order of the Survey Superintendent the patta of the land in question may be ordered to be made out in the names of the petitioners and the entry of the same in the Settlement Register as Karab may be ordered to be scored out. Even if the land is to be entered as Karab the petitioners solicit that the patta of the land may be made out in their name.

The Petitioners submit that they made two applications to the Survey Superintendent for a copy of his order in the matter, but he has not been pleased to furnish them with it.

Bangalore
6. 10. 93.

Chetty
Advocate
for Petrs.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 984
dated 6th October received at the
Dewan's Office from Kanakapade
and Basavaiya of Nonavinakodige and Byaravahalli,
respectively, in the Channarayapatna Taluk, appealing
against the order of the Superintendent treating
~~is forwarded, together with its~~
Inam No. 27 in Byaravahalli
~~enclosures, to the~~
as Government Kharab,
is forwarded, together with
its enclosures to the
Superintendent, Revenue
Survey, for submission of
proceedings with a report
on the facts of the case and
on the points taken in
the petition.

2. The petition with its
enclosures should be
returned.

L.R. 76-93-2

By Order,

Sept

Chief Secretary.

BANGALORE, 8
Nov 1893/4

S.V.
10/11

M. G. C. P. Bangalore.—21-11-92—3,000.

(General Serial No. 30.)

(3)

1894

115-53

Pet 410

From

The Superintendent

of Mysore Revenue Survey

To

The Chief Secretary to the Dewan
of Mysore.

Dated Bangalore 26th January/94.

Despatched

Received

Enclosures No. one file of papers

General No. 474
No.

In reply to :- Chief Secretary's letter No. 692 dated 8th November/93

SUBJECT. 14

Reporting upon an appeal petition from Kenchi Heggada of Hosur dodda in Channapatna Taluk regarding treating of Magani No. 27 in Byravanahalli as Kharab at the Survey settlement.

Fit Branch 26/1/94

References (to be entered only in the Dewan's Office).

Petition in Kannada with appendices which is in English -

Submitted

5/2

R-764-93-2

Recommended by Commr of Bangalore with a request that he will report by whom & for how long, & on what tenure it has been held & what is its area -

6/2/94

No. 474

Survey Superintendent's Office

Bangalore 26th January 1894.

To

The Chief Secretary to the

Dewan of Mysore.

Sir,

With reference to your official Memorandum No. Rev 692 of 8th November 1893 I have the honor to state that the land in question is contained in Survey No. 1 measuring 40 acres and 35 guntas of which 10 acres 30 guntas were "Kharab" and the balance 30 acres was assessed at Rs 30.

2. At the time of settlement the villagers strenuously opposed the land being brought

brought under survey assessment and as the land had never been cultivated, and, even according to the plans produced by the Petitioner, for the land known as "Birdevar" Tope, showed only annual tenure, I determined to exclude the whole Number from the operation of the settlement and to continue the "Mamul" I append copy of my decision entered in the Faisal Ratrak.

3. The Deputy Commissioner can I presume by express ord to continue the rights enjoyed in Survey No 1 as per Mam

4. A ghatia, I am informed, fills annually and W bringing of the land under Survey assessment would have interfered greatly with the existing rights

rights of all concerned.

5 The enclosures to the petition No. 984 of 6th October 1893 received with your letter under reply are herewith returned.

I have the honor to be
Sir,
your most obedient servant

Supt: of Mysore Revenue Survey.

381

eneral Serial No. 32.)

1894 (4)

No. 2370

Name of Petitioner. Ramalinga Sivanna Gowda & others, 4 pers. & Nagappa Gowda &

Village. Kirattikere, Sanjivalapura, Kodiyala, Yarahanalli etc

Taluk. Channapatna & Kasaba

District. Bangalore & Kolar.

Date of Arzi. 6-2-94

Date of Receipt. 9-2-94

Date of Disposal.

No. of Enclosures. one

ABSTRACT.

State that there is a temple & a sacred big Amarasi tope belonging to it near Yarahanalli, Channapatna Taluk where thousands of devotees go every year for the purpose of making offerings to God & feast in the sacred tope; & that accordingly the tope belongs to the temple, so the 4 pujaris have no right to it; & inasmuch as the fruits of the tope is prepared in the pujaris' hands they will cut trees, they will cultivate it & do such acts on the ground that they posses such rights; & pray therefore that

ಭರವಸೆ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಪಟ್ಟಾ ಜಮೀನಿನ ವಿವರಗಳನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ನೀಡಲಾಗಿದೆ.

Extract from Lavani Faisal Patrik regarding survey No 11

ಸರ್ವೆ ನಂಬರ್ Survey No	ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ Total area	ಖರಾಬಿನಿಂದ ವಿಸ್ತೀರ್ಣ out of it Kharab	ಉಳಿದಿರುವ ವಿಸ್ತೀರ್ಣ Remainder	ನಿಗದಿಪಡಿಸಿದ ಜಮೀನು assessment	ಷರಾ
೧	೨	೩	೪	೫	೬
೧೧	೪೦೩೩	೧೦೩೩ / ೪೦೩೩	೩೦.	೩೦.	ಈ ಪಟ್ಟಾ ಜಮೀನಿನ ಪೈಕಿ ಖರಾಬು ಜಮೀನಿನ ಪ್ರಮಾಣವನ್ನು ಕಳೆದು ಉಳಿದ ಜಮೀನಿಗೆ ಮಾತ್ರ ಜಮೀನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ. ಖರಾಬು ಜಮೀನಿನಲ್ಲಿ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಕೃಷಿ ಚಟುವಟಿಕೆಗಳನ್ನು ನಡೆಸಬಾರದು. ಒಂದು ವೇಳೆ ಕೃಷಿ ಚಟುವಟಿಕೆಗಳನ್ನು ನಡೆಸಿದ್ದಲ್ಲಿ ಸರ್ಕಾರದ ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು.
11	40-33	10-33 / 40-33	30-	30	

As it appears from the statement of villagers that there is Birdevara site in this (field), its assessment is removed & it is brought under Kharab & left free. As Ward's survey mamul mamul will be continued Trees standing will be cut by the owners accordingly

Copy

Supdt Mysore Red: Survey

that after passing the necessary orders
may be prayed for the confirmation of
the right of the Pope to the temple only but
to the Papacie, for the bringing of the
said Pope under Heaven for the benefit
of so many devotes for the fruitfulness
of the Pope by planting fresh ghosts.

Juvo Regn stamp

MYSORE DELHI OFFICE
PETITION DEPARTMENT
REGD. NO. 2370R
DATE 9-2-94

(5)

Proceedings of the Court of
H. H. the Maharaja of Mysore

Read:—

Letter No 474 of 26th January
1894 from the Superintendent
of Revenue Survey, Mysore, reporting
on the petition of Kenda Hegad
and Banniraja of Hom[illegible] Gowd
and Byramiah in the Channa
patna Taluk, complaining of
Major Dyrachalli having treated
as Government-Kharab.

Order thereon.

Communicated to the Deputy
Commissioner of Bangalore,
with a request that he will
report by whom, for how long,
and on what tenure the tope
under notice has been held,
and whether any

Draft (Commissioner) 15/2/94 YL 14/2
Lr 17/2 15/2/94 Chief Secretary

The Deputy Commissioner of Bangalore
with the letter noted in the margin for
report & recommission

L-R-74-95

Revd

The Sub Divn Officer

No. 11096 / Pet 1381 dt 17-2-94 / 23.

Pet
1575

16

16-3-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

R 74-93-6

The accompanying Petition No. 2370
dated 6th Feby 1894 received at the
Dewan's Office from Kallahalli Linnur Sonda
and Others of Maddanahalli and other Villages
in the Channapatna Taluk, regarding
the repairs to the No 2 tank in Dasanahalli

is forwarded, together with its one
enclosures, to the Deputy Commissioner
Bangalore District for report
in continuation of this office
No 1409 6 / P 1381 dated 17th Feby 1894

By Order,

Asst.

14/3

Bangalore, 14/3/1894

for Chief

14/3

M. G. C. P. Bangalore.—21-11-92—3,000.

Gen. Serial No. 314.

OFFICE OF THE
10 MAY 95
RECEIVED

1512

189 95

From

The Secy Commissioner
Bangalore Dist.

To

The Secretary to the Govt
of Mysore.

Dated 8th May 1895

Despatched 9th Do

Received

Enclosures—No. 1 Cycle

General No.

D No. 1331.

The Govt proceedings
No. 4096 dated 7th
Rev. 1381
February 1895 annul
the Complaint of
Kanda Gowda
and enter about
a Toll in Devarahalli, Channapatna
Taluk.

In reply, has
the honor to state
that the area of the

Take in execution
Rs for old accounts
is 1 Khandi, 3 Kudas
and 4½ Padies
and it has been held
by the appellants and
their ancestors on
payment to Government
of 4 Pagodas as entered
in the accounts of 1835
and 1859.
2. The the Division
Court's report No. 760
dated 28th Decbr with
its enclosures is a
Lecture submitted.

M Govindaraju
for Dy. Commissioner
WMH

Genl: Rs.

Please see petition Rejs of July

REVENUE DEPARTMENT
Gl. No. 1567
UG. 31 1898
No Pet. 96
DEPUTY'S OFFICE
1898

From The Dy Commissioner,
Bangalore District.

To The Secretary to the Govt.
of Mysore
Revl & Agrl. Departments.

Dated 29th August 1898
Despatched 29th do
Received

General No. 282
No.

Enclosure No. 1 file

Sept docket No. 269
of the 6th July 1895. Pet: 29

Submits extracts from the Faisal and Fluctuation accounts relating to the tope in question (in Map No 2) in the Byravanhalli Village of the Channapatna Taluk

A Petition

31/8/98

AK
3.9.98.

References of 95 were pulled
but Petition &c
1299 ... 97 on ... 97.

Raj 3/9/98
Rejs Sept 95

AK
5/9/98

Sub
L-R. 74-93
Se 9

MLL
6/9/98

Office file
& make

AK
8/9/98

Sub D & SC Connaught
Mr Nute Cmk
L 17/9/98

Order passed
on Above Petn

Rom 1-9-98

17/9/98

P.
(8)

From
The Revenue Secretary to the
Govt of Mysore

To
The Deputy commissioner
Bangalore District.

No 269 / P.29 dated 6-7-95

His docket No 1331 dated
2nd May 1895. reporting on the claim
of Kenda Hegadde daughter to the Circar
No 2 in Byrarahalli Channapatna Taluk
In connection with the reference
above has the honour
to request that he will be so good as to forward to this Head
to be laid before extracts from the accounts
Pahane and Khatevar of
entries relating to the lope referred to in the
docket quoted above, for a
period of 12 years before the
Survey settlement as also
extracts of the Petitioners'
Kenda Hegadde Basavaraj
Khate for the same period

By order
Rev. Secretary

S.B. 74-93

SB

Bangalore District
Dy. Commissioner's Office
Bangalore 2nd August 1895.

D. No. 282
En: 1 file.

To
The Secretary to the Government
of Mysore
Revenue and General Depts.

Sir,

I have the honor to forward herewith Cadastral extracts from the Pahani and Kharéevar accounts relating to the tope in question (in map No. 2) in the Byravarkalli village of the Channapatna Talk, together with Jadi No. 350 of the 23rd August 1895, received from the Assistant Commissioner of the Closepet Range.

I have the honor to be
Sir
Your most obedient servant

Dy. Commissioner,
Bangalore District.

(10)

1899

From The Secy to the Govt of Mysore

To The Deputy Commr Bangalore Dt.

Dated 17th February 1899.

Despatched 17th

Received

General No. 5649-P.

P.D. No. 53-98

(449)

Enclosure No. 1

Copy forwarded with his letter No. 282 of 27th August 1898 submitting extracts from the Pahani and Khatavani accounts relating to a tope in Major Inc 27 of Byravanahalli, Channapatna Hk.

1

With reference to the above request has the honor to state that the Dy Commr will be so good as to enquire & report whether the applicants are prepared to conform to the conditions laid down in Govt Order No. 6263-70 of 14th January 98 (P.D. 849) & whether the records connected with

+93-3-900 Govt

(8) Logs

17-2-99 (1) Kenda Nagara
(2) Basavaya.

1. Regulating the Conservancy & classification of Private Choultry Topes.

with the case ~~A~~ are herewith
sent for reference and
remission.

By Order

For

C/E2

Draft
Bien
15/2

payment of Kandayem on the tope. They have ——————— further agreed to re-serve the tope as a public charity, the management thereof being undertaken by themselves.

2. The records on the subject together with the statement of the petitioners in question are, herewith, submitted.

I have the honor to be

Sir

Your most obedient servant

[illegible]

Deputy Commissioner

Bangalore district

(43)

6846

1898-99 Pet 421

From

The Joint Commissioners of the

(11)

To The Secretary to the Govt of Mysore

Dated 2nd ? — Genl & Rev Dept

Despatched 4th May 1899

Received

General No.

No. 1085

Enclosure No. 1 file

Sec's docket No. 5649 Pet 5398 of the 17th February 1899.

Reports that Appellants viz. Kunda Negade & Basavya are prepared to conform to the conditions laid down in Govt order No. 6263-70 Pet 849 dated 14th January 1898 regulating the conservancy of a class of charitable trusts.

Case put up an English translation before the Hon'ble of the written statements res to written

BR 12/5

Sd to

L.R. 74-93

SE

11

? to 1st Councillor with ref to order in Appeal No. 44 of 74.

BR 13/5/99

I think we may now hear the Pet in a further response affh an undertaking - submit for approval

not in file BR 13/5/99

? to 2nd Councillor BR 15/5/99

Agree

15/5/99

Prof BR 26-5-99

5

Pet

5-5-99

Rect 6/5 27 53 ff 98 containing the rep is put up.

AK 6/5/99

Ag Consl Dept Secretariat 6-5-99

(24)

Bangalore District
Deputy Commissioner's Office
Dated Devanhalli 2nd May 1899

Dclc 1085—
Ex. 1 file

To

The Secretary to the
Government of Mysore
General & Rev: Departments

Sir,

In reply to your docket no: S649/Pet 53-98 dated the 17th February 1899, I have the honor to state that (1) Konda Heggade and (2) Basiah have agreed to conform to the Conditions laid down in Government Proceedings no: 6263-70/Pet 849 dated the 14th January 1898 and have given a written statement before the Amildar to the effect that they would not use the produce derived from the tope for their private purposes. The tope not containing valuable trees, they beg that the proceeds of the sale of grass growing in the tope may be allowed to be utilized towards

(13)

Draft for approval

Proceedings of the Board of Mysore

L.R. 76-93
Sl. 12

Read letter from the Board of Revenue No. 2266-73 / Sept 94,

Why had the Board been informed about it?

forwarding petition of Siddaluinga, Gowda, Kaigal Taluk, to be permitted to file and recognising him as its managing trustee, on condition of his using the income for the improvement of the tope and tolerating

himself liable to account for it whenever called upon by Govt. to do so.

Read:-

(1) Petition of Appeal - No. 984 / 93-94 of 1893-94, presented by Linga Reddi of Nanchali and Banavara of Byrarahalli, Hirisavakere Taluk, against the order of the Supt. of Revenue Survey in Mysore, treating Map No. 27 - portion of S. No. 1 / 1 measuring A 10-33 Gs — of Byrarahalli as "Kharab" during the Cadastral Settlement

(2) Correspondence ending with letter No. 180 Sept 94 from the Dy Commr

Deputy Commr., Bangalore Dist.

(3) The records of the case, from which the facts are gathered, - Order thereon: — The facts of the case briefly are as follows. — Khata No 27 of Dyavarahalli called "Kiridevar Gutte" was, prior to 1875, in the enjoyment of the appellants and their ancestors on an "Umbali Kadayam" of 4 Rupees payable to Govt. In the account of the preceding years the amount was consistently entered as land-tax. At the settlement in 93-94, including the survey, the Gutte was "S. No", and treated as "Inam" for the following reasons viz, that the villagers strenuously opposed any attempt to bring the land under assessment that from the Patta produced by the appellants it appeared that they held the land on Umbali Kadayam, that as a fact was held

8948-56.
P.Z. 93-95 § 5.6.95.

(3)

(13)

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 5th June 1899

No. 8948-56
Pet. F. 53-98

Declaring maji No. 27 called "Biredevaru tope" in Dyavarahalli, Channapatna taluk, a public charity, and recognizing the appellants, Kenda Heggade of Hosurdoddi and Basavaiya of Dyavarahalli, as its managing trustees.

SBP—9-6-99 200

(48)

there existing rights would ~~have~~ been interfered with by bringing the land under assessment. As regards enjoyment the S. Supt ordered that the Mamúlshold be continued. The appellants have appealed to Govt against this order on the ground that the topes ~~have~~ was planted by their ancestors and has been ~~was~~ in their enjoyment, from time immemorial, as their private property. ~~On a reference from~~ In reply to an enquiry made 2. ~~On a reference from~~ this office ~~the~~ Deputy Commissioners ~~reports~~ whether the Appellants are prepared to abide by the ~~reports that the appellants have agreed to conform to the conditions~~ laid down in Pro. No 6273-70 of the Govt ~~order~~ ~~read above~~, the Dy Comr reports that they are willing to do so and ~~have given~~ a statement before the Amildar to the effect that they would not appropriate for their own use ~~any~~ of the produce derived from

14 Jany 1898

(219)

from the tope but would entirely
~~was the same~~ set it apart
for improving it ~~the tope~~ and further

that they agree to ~~reserve~~ the
tope being reserved as a public charity the
management thereof being
vested in them,

draft. subt to 1st L
for approval. BR
31.5.29

~~Order thereon~~:-

3. Under these circum-
stances ~~the~~ Govt are ~~accordingly~~
pleased to declare the tope a public
charity and to recognize the appellants
as its managing trustees.

BR
31.5.29
For Secretary

Etc.

Draft
BBn
30/5/29.

To ~~The Supt of Rev Survey in Mysore~~
" The Deputy Comm^r, Bangalore
Dist^t with records.
" Dy Commrs of ~~Mysore~~ Dist^s

READ—

Petition of appeal No. 984—A.S. 44 of 1893-94, presented by Kenda Heggade of Hosurdoddi and Basavaiya of Dyavarahalli, Channapatna taluk, against the order of the Superintendent of Revenue Survey in Mysore, treating maji No. 27, now part of Survey No. 11, measuring 10 acres and 33 guntas of Dyavarahalli, as "Kharab."

(2) Correspondence ending with letter No. 1085, dated 2nd May 1899, from the Deputy Commissioner, Bangalore district.

(3) The records of the case.

No. 8948-56—PET. F. 53-98, DATED BANGALORE, 5TH JUNE 1899.

ORDER THEREON.—The facts of the case are briefly as follows:—

Maji No. 27 of Dyavarahalli called "Biredevaru tope" was, prior to 1875, in the enjoyment of the appellants and their ancestors on an "Amarayi Kandayam" of four pagodas payable to Government. In the accounts of the succeeding years, the said amount was unauthorizedly entered as land-tax. At the Survey Settlement in 1893-94, the tope was included in S. No. 11 and treated as "Kharab" for the following reasons, *viz.*, that the villagers strenuously opposed any attempt to bring the land under assessment; that from the pattas produced by the appellants, it appeared that they held the land on Amarayi tenure, and that as a jatra was held there, existing rights would be interfered with by bringing the land under assessment. As regards enjoyment, the Survey Superintendent ordered that the mamul should be continued. The appellants have appealed to Government against this order on the ground that the tope was planted by their ancestors and has been in their enjoyment from time immemorial as their private property.

2. In reply to an enquiry made whether the appellants are prepared to abide by the conditions laid down in Government Proceedings No. 6273-70—Pet. 849, dated 14th January 1898, the Deputy Commissioner reports that they are willing to do so and that they have given a statement before the Amildar to the effect that they would not appropriate for their own use the produce derived from the tope but would entirely set it apart for improving it, and further that they agree to the tope being reserved as a public charity, the management thereof being vested in them.

2. Under these circumstances, the Government are pleased to declare the tope a public charity and to recognize the appellants as its managing trustees.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Superintendent of Revenue Survey in Mysore.
The Deputy Commissioner, Bangalore District, with records.
The Deputy Commissioners of other Districts.

Exd.—C.V.

(12)

6-6-99

ನಂಬರ್
984 ಪೈ 10

ಹಂಚಿಕೆದಾರರಿಗೆ ಹಕ್ಕುಪತ್ರ ನೀಡುವ ಬಗ್ಗೆ

ಸೀಲ್ 14-93
ಸೆಪ್ಟೆಂ

[illegible]

[illegible]

By Order

[illegible]

For Secretary

[illegible]

[illegible]

[illegible]

By Order

[illegible]

For Secretary